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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

BRIGODARE McMILLAN  
and PATRICIA L. McMILLAN,

Plaintiffs

-vs-

CONNECTICUT GENERAL LIFE  
INSURANCE COMPANY d/b/a  
CIGNA HEALTHCARE and  
RAMESH NARANG, D.M.D

Defendants,

Civil Action No.:2:04-2389-12

**CONSENT ORDER**

This matter came before the Court upon Plaintiffs' Motion to Sever. In that Motion, the Plaintiffs sought to sever the state law negligence claim against the Defendant Ramesh Narang, D.M.D. from the E.R.I.S.A. based claim asserted against the Defendant CIGNA. Plaintiffs allege that the method of disposition for each case is so radically different that the two cases should be severed.

Upon consideration of the issues, the Plaintiffs and the Defendant Dr. Narang agree that jurisdiction over the state law claim against the Defendant Dr. Narang is based on 28 U.S.C. §1367 (a). Thus, the parties agree that, if the state law claim is severed the Court would not likely retain jurisdiction over the claim based on 28 U.S.C. § 1367. For this reason, the parties have agreed that the state law claim asserted against Dr. Narang should be dismissed without prejudice so that the Plaintiff may refile the state law claim against Dr. Narang in state court. In dismissing the claim against the Defendant Dr.

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Narang, the Plaintiffs do not wish to waive any rights that it may have pursuant to 28 U.S.C. §1367(d). The court finds that there is good cause to grant the parties request.

THEREFORE, IT IS ORDERED that the Plaintiffs claim against the Defendant Dr. Narang is hereby dismissed without prejudice; that the claims asserted against the co-defendant shall remain before this Court as they are based upon E.R.I.S.A.; and that in consenting to the dismissal of the state law claim asserted against Dr. Narang the Plaintiff has not waived any right to refile this action in state court pursuant to 28 U.S.C. §1367(d).

IT IS HEREBY ORDERED.

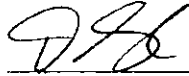
*July 8*, 2005  
Charleston, SC


  
The Honorable C. Weston Houck

**Consent Order regarding Federal Court Dismissal**

WE MOVE:


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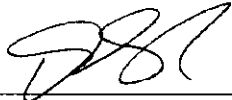
 David Whittington  
Attorney for the Plaintiffs



**Consent Order regarding Federal Court Dismissal**

WE CONSENT:

BUYCK LAW FIRM, LLC  
129 Broad Street  
P.O. Box 630  
Charleston, SC 29402



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Hugh W. Buyck (Fed ID #6099 )  
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Attorneys for the Defendant  
Ramesh Narang, DMD

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